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the claims are in proper form and all the claims now pending are in condition for allowance.

**A. Drawings:**

The Applicants have amended FIG. 3 to conform to the drawing to the specification. In particular, Applicants have amended FIG. 3 to include the reference designation --315--, which is fully disclosed in the specification (Specification page 17, line 20) but missing from the drawing.

Applicants have enclosed proposed drawing correction in reply to this Office Action, and the Applicants submit that such added reference designation to FIG. 3 does not add any new subject matter. Therefore, the Applicants respectfully request that the objection be withdrawn. Upon acceptance of this changes, the Applicants will submit the formal drawings.

**B. In The Specification:**

The Applicants have amended the specification to provide minor grammatical corrections and change reference designations to conform to the reference designations in the drawings. Such grammatical corrections or reference designation changes do not add any new subject matter to the application.

**C. Allowable Subject Matter:**

The Examiner has objected to claims 14-16, 19, 21, and 22 as being dependent upon rejected bases claims 10 and 17, respectively. The Examiner concludes that these claims would be allowable subject matter if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Applicants thank the Examiner for the allowable subject matter in the abovementioned claims. However, in view of the amendments and arguments set forth herein, the Applicants believe base claims 10 and 17, as amended, (and

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all intervening claims) are in allowable form, and as such, the dependent claims 14-16, 19, 21, and 22, as they stand, are in allowable condition. Therefore, the Applicants respectfully request that the foregoing objections to claims 14-16, 19, 21, and 22 be withdrawn.

**I. Rejections**

**1. 35 USC 103**

**a) Claims 10-13**

The Examiner has rejected claims 10-13 as being unpatentable under 35 USC § 103 over Barraud (US Patent No. 6,088,051, issued July 11, 2000) in view of Cohen et al. (US Patent No. 6,011,918, issued January 4, 2000, hereinafter "Cohen"). The Applicants respectfully traverse the rejection.

The Applicants have amended independent claim 10 to include some limitations of dependent claim 14, which was noted by the Examiner as containing allowable subject matter. In particular, amended claim 10 recites:

"A method of adapting asset delivery within a heterogeneous video-on-demand distribution system, comprising the steps of:

determining, for each set top terminal (STT) requesting a session for video content in the video-on-demand distribution system, a capability level of said STT and a capability level of the distribution network;

selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to said capability level of said STT; and

providing said selected video content and navigational assets in response to STT communications indicative of a need for said video content and assets." (emphasis added).

The Applicants have amended claim 10 to include the limitation of selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to the capability level of the STT. The video-on-demand distribution system provides video content such as video movies, trailers, audio, and the like, as well as asset data such as control and navigation assets (e.g., bitmaps,

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graphic overlays, control scripts, and the like) to set top terminals having different capabilities (see specification, page 4, line 32 to page 5, line 19). That is, the set top terminals may vary in regard to bandwidth capabilities, control processing, graphics processing, and the like (i.e., heterogeneous set top terminals in the video-on-demand distribution system).

By contrast, the combination of Barraud and Cohen fails to teach or suggest "selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to the capability level of the STT." Moreover, the combination of Barraud and Cohen fails to teach or suggest "providing said selected video content and navigational assets in response to STT communications indicative of a need for said video content and assets."

Barraud discloses that the server assembles programs for dynamic processes suited to the present set-top unit, where suitability is determined by the information in the "identification format", which was sent to the server by the set-top unit (see Barraud, Col. 2, line 57 through Col. 3, line 9). Furthermore, Cohen merely discloses distributing an application by "receiving a request for the client application and a client capability set and selecting a client application based on the received client capability set." (see Cohen, Col. 4, lines 30-39).

However, there is no teaching or suggestion in the Barraud or Cohen references, either singularly or in combination, of "selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to said capability level of said STT." In fact, both prior art references are completely silent with regard to navigational assets.

The test under 35 U.S.C. § 103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added).

Thus, even if the two references could somehow be combined, the combination

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would merely disclose receiving a request for a client application and then the server sending such client application to the set-top unit based on "identification format", which was sent to the server by the set-top unit. Such combination fails to teach or suggest the Applicants' amended claim 10 as a whole, which includes navigational assets.

As such, the Applicants submit that independent claim 10, as amended, is not obvious under 35 USC § 103 and is patentable thereunder. Furthermore, claims 11-13 depend, either directly or indirectly, from independent claim 10 and recite additional features thereof. As such and for at least the same reasons, the Applicants submit that these dependent claims are not obvious under 35 USC § 103 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejection be withdrawn.

b) Claims 17, 18, and 20

The Examiner has rejected claims 17, 18, and 20 as being obvious under 35 USC § 103 over Barraud in view of LaJoie et al. (US Patent No. 6,049,333, issued April 11, 2000, hereinafter "LaJoie"). The Applicants respectfully traverse the rejection.

Independent claim 17 has been amended to include additional subject matter, which the Applicants consider inventive. In particular, independent claim 17, as amended, recites:

"In an interactive video-on-demand distribution system including video-on-demand provider equipment coupled to subscriber equipment via a communications network, a method for adapting provided information to a set top terminal comprising the steps of:

storing video-on-demand information at the provider equipment;  
determining, during a video-on-demand session initiation, a capability level of said STT, said determination being made by comparing STT configuration information to a data base of STT capability information;  
and

providing, to said STT in response to an STT request for information, information comprising navigator assets adapted to said determined capability level of said STT;

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each of said set top terminals having a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures." (emphasis added).

The combination of prior art fails to teach or suggest the Applicants' claimed invention. In particular, the combined references fail to teach or suggest "providing, to the STT in response to an STT request for information, information comprising navigator assets adapted to the determined capability level of the STT."

Barraud discloses that the server assembles programs for dynamic processes suited to the present set-top unit, where suitability is determined by the information in the "identification format", which was sent to the server by the set-top unit (see Barraud, Col. 2, line 57 through Col. 3, line 9). Nowhere in Barraud is there any teaching or suggestion whatsoever of "providing, to the STT in response to an STT request for information, information comprising navigator assets adapted to the determined capability level of the STT."

Furthermore, the de Vos reference fails to bridge the substantial gap as between the Barraud reference and the Applicants' invention. In particular, de Vos is limited to disclosing pre-downloading navigation data from a navigation device. The navigation data from the navigation device includes a software program for displaying a menu of the available service items (see de Vos, Col. 5, lines 5-30).

Even if the cited references could somehow be combined, the combination merely discloses pre-downloading navigational data from a navigation device to a STT and receiving a request for a client application and then the server sending such client application to the set-top unit based on "identification format", which was sent to the server by the set-top unit.

The Applicants' invention is completely different from the combined teachings of Barraud and de Vos. Specifically, the Applicants claim in part, "providing, to the STT in response to an STT request for information, information comprising navigator assets adapted to the determined capability level of said

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STT." Thus, the Applicants' invention provides video content and navigational assets from service provider equipment in the video-on-demand distribution system, to heterogeneous set top terminals based on the capabilities of each STT and the distribution network. That is, the Applicants' invention does not pre-download navigational data to the STT's. Rather, the navigational assets are simply sent to the STT by the server in response to receiving a request by the STT.

As such, the Applicants submit that claim 17 is not obvious under 35 USC § 103 and is patentable thereunder. Furthermore, claims 18 and 20 depend from claim 17 and recite additional features thereof, which the Applicants consider inventive. As such and for the same reason, the Applicants submit that these dependent claims are not obvious under 35 USC § 103 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejection be withdrawn.

### Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, are indefinite, anticipated, or obvious under the provision of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

1/14/02

E J Wall  
Eamon J. Wall, Attorney  
Registration No. 39,414  
(732) 530-9404

Thomason, Moser & Patterson, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, 1<sup>st</sup> Floor  
Shrewsbury, New Jersey 07702

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**APPENDIX I**  
**MARKED-UP VERSION OF AMENDED SPECIFICATION PARAGRAPHS**

Mark-up of paragraph beginning page 3, line 27, to page 4, line 5:

The system 100 of FIG. 1 is a heterogeneous system in that subscriber equipment 106 may comprise subscriber terminals, also known as set top terminals (STTs) and set top boxes (STBs), of differing capability with respect to control processing, bandwidth and/or graphics processing. Within such a system each of the set top terminals receiving information streams from a server or head-end includes at least a basic or minimal level of functionality. Such minimal level of functionality may comprise, for example, the ability to decode an MPEG-2 transport stream including video information (and associated audio information) and process the decoded video (and associated audio information) to produce video (and audio) streams or signals suitable for use by a presentation device. However, some set top terminals may have a very high level of graphics processing capability and/or control capability, while others may have a much lower level of functionality.

Mark-up of paragraph beginning page 17, line 18, to line 24:

At step 350, a query is made as to whether the requested content is associated with asset data to be provided to the STT. If the query at step 350 is answered negatively, then the method 300 proceeds to step [355] 335 to wait for the next STT request. If the query at step 350 is answered affirmatively, then the method 300 proceeds to step 325, where the appropriate asset data is selected based upon the STT capability previously established.



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**APPENDIX II**  
**MARKED-UP VERSION OF AMENDED CLAIMS**

10. A method of adapting asset delivery within a heterogeneous video-on-demand distribution system, comprising the steps of:

determining, for each set top terminal (STT) requesting a session for video content in the video-on-demand distribution system, a capability level of said STT and a capability level of the distribution network;

selecting, from a plurality of available video content and navigational assets stored on service provider equipment, video content and navigational assets appropriate to said capability level of said STT; and

providing said selected video content and navigational assets in response to STT communications indicative of a need for said video content and assets.

14. The method of claim 10, wherein said navigational assets comprise [navigation assets including] video information, graphics information, and control information.

17. In an interactive video-on-demand distribution system including video-on-demand provider equipment coupled to subscriber equipment via a communications network, a method for adapting provided information to a set top terminal comprising the steps of:

storing video-on-demand information at the provider equipment;

determining, during a video-on-demand session initiation, a capability level of said STT, said determination being made by comparing STT configuration information to a data base of STT capability information; and

providing, to said STT in response to an STT request for information, information comprising navigator assets adapted to said determined capability level of said STT;

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each of said set top terminals having a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures.

19. The method of claim 17 wherein said [provided information comprises] navigator assets are optimized to each of the possible STT capability levels to provide a plurality of respective navigator assets, each of said respective navigator assets having associated with it a respective STT capability level.